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| | | | | | |
|--|--|----------------------|--|-------------------|--|
| NESLY SAINTIL VS AMAZON.COM SERVICES LLC | | | | | |
| Local Case Number: | | 2023-018436-CA-01 | | Filing Date: | 06/20/2023 |
| State Case Number: | | 132023CA018436000001 | | Judicial Section: | CA22 - Downtown Miami |
| Consolidated Case No.: | | N/A | | Court Location: | 73 West Flagler Street, Miami FL 33130 |
| Case Status: | | OPEN | | Case Type: | Discrimination - Employment or Other |




| | | | | |
|-----------------|--|--|---------------------------|-----------|
| ☰ Related Cases | | | Total Of Related Cases: 0 | ▬ |
| Case Number | | | Filing Date | Case Type |

| | | | | | |
|-------------------|-------------------------|--|---|---------------------|-------------------|
| 👤 Parties | | | | Total Of Parties: 2 | ▬ |
| Party Description | Party Name | | Attorney Information | | Other Attorney(S) |
| Plaintiff | Saintil, Nesly | | B#: (Bar Number)165580 N: (Attorney Name)Jason S Remer | | |
| Defendant | Amazon.Com Services LLC | | | | |

| | | | | | | |
|-------------------|--------------|--|--------------|-------------|----------------------|---|
| 🔍 Hearing Details | | | | | Total Of Hearings: 0 | ▬ |
| Hearing Date | Hearing Time | | Hearing Code | Description | Hearing Location | |

| | | | | | | | |
|-----------|--------|------------|-----------|------------------------|------------|--|---|
| 📄 Dockets | | | | | | Total Of Dockets: 7 | ▬ |
| | Number | Date | Book/Page | Docket Entry | Event Type | Comments | |
| | | 07/03/2023 | | 20 Day Summons Issued | Service | | |
| 📄 | 7 | 07/03/2023 | | ESummons 20 Day Issued | Event | RE: INDEX # 5. Parties: Amazon.Com Services LLC | |
| | 6 | 06/27/2023 | | Receipt: | Event | RECEIPT#:3220201 AMT PAID:\$10.00 NAME:JASON S REMER 2745 PONCE DE LEON BOULEVARD CORAL GABLES FL 33134 COMMENT: ALLOCATION CODE QUANTITY UNIT AMOUNT 3139-SUMMONS ISSUE FEE 1 \$10.00 \$10.00 TENDER TYPE:EFILINGS TENDER AMT:\$10.00 RECEIPT DATE:06/27/2023 REGISTER#:322 CASHIER:EFILINGUSER | |



| Number | Date | Book/Page | Docket Entry | Event Type | Comments |
|---|------------|-----------|---------------------------------------|------------|---|
| 4 | 06/22/2023 | | Receipt: | Event | RECEIPT#:3130143 AMT PAID:\$401.00 NAME:JASON S REMER 2745 PONCE DE LEON BOULEVARD CORAL GABLES FL 33134 COMMENT: ALLOCATION CODE QUANTITY UNIT AMOUNT 3100-CIRCUIT FILING FEE 1 \$401.00 \$401.00 TENDER TYPE:EFILINGS TENDER AMT:\$401.00 RECEIPT DATE:06/22/2023 REGISTER#:313 CASHIER:EFILINGUSER |
|  5 | 06/21/2023 | | (M) 20 Day (C) Summons (Sub) Received | Event | |
|  2 | 06/20/2023 | | Complaint | Event | |
|  1 | 06/20/2023 | | Civil Cover Sheet - Claim Amount | Event | |

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Juan Fernandez-Barquin
Clerk of the Court and Comptroller
Miami-Dade County

73 W. Flagler Street
Miami, Florida 33130

305-275-1155





FORM 1.997. CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE CIRCUIT/COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT,
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Nesly Saintil
Plaintiff

Case # _____
Judge _____

vs.

Amazon.Com Services LLC
Defendant

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. The estimated amount of the claim is requested for data collection and clerical processing purposes only. The amount of the claim shall not be used for any other purpose.

- ☐ \$8,000 or less
- ☐ \$8,001 - \$30,000
- ☐ \$30,001- \$50,000
- ☐ \$50,001- \$75,000
- ☒ \$75,001 - \$100,000
- ☐ over \$100,000.00

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

- ☐ Condominium
- ☐ Contracts and indebtedness
- ☐ Eminent domain
- ☐ Auto negligence
- ☐ Negligence—other
 - ☐ Business governance
 - ☐ Business torts
 - ☐ Environmental/Toxic tort
 - ☐ Third party indemnification
 - ☐ Construction defect
 - ☐ Mass tort
 - ☐ Negligent security
 - ☐ Nursing home negligence
 - ☐ Premises liability—commercial
 - ☐ Premises liability—residential
- ☐ Products liability
- ☐ Real Property/Mortgage foreclosure
 - ☐ Commercial foreclosure
 - ☐ Homestead residential foreclosure
 - ☐ Non-homestead residential foreclosure
 - ☐ Other real property actions
- ☐ Professional malpractice
 - ☐ Malpractice—business
 - ☐ Malpractice—medical
 - ☐ Malpractice—other professional
- ☒ Other
 - ☐ Antitrust/Trade regulation
 - ☐ Business transactions
 - ☐ Constitutional challenge—statute or ordinance
 - ☐ Constitutional challenge—proposed amendment
 - ☐ Corporate trusts
 - ☒ Discrimination—employment or other
 - ☐ Insurance claims
 - ☐ Intellectual property
 - ☐ Libel/Slander
 - ☐ Shareholder derivative action
 - ☐ Securities litigation
 - ☐ Trade secrets
 - ☐ Trust litigation

COUNTY CIVIL

- ☐ Small Claims up to \$8,000
- ☐ Civil
- ☐ Real property/Mortgage foreclosure

- ☐ Replevins
- ☐ Evictions
 - ☐ Residential Evictions
 - ☐ Non-residential Evictions
- ☐ Other civil (non-monetary)

COMPLEX BUSINESS COURT

This action is appropriate for assignment to Complex Business Court as delineated and mandated by the Administrative Order. Yes ☐ No ☒

IV. REMEDIES SOUGHT (check all that apply):

- ☒ Monetary;
- ☒ Nonmonetary declaratory or injunctive relief;
- ☒ Punitive

V. NUMBER OF CAUSES OF ACTION: []

(Specify)

2

VI. IS THIS CASE A CLASS ACTION LAWSUIT?

- ☐ yes
- ☒ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?

- ☒ no
- ☐ yes If “yes,” list all related cases by name, case number, and court.

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?

- ☒ yes
- ☐ no

IX. DOES THIS CASE INVOLVE ALLEGATIONS OF SEXUAL ABUSE?

- ☐ yes
- ☒ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature: s/ Jason S Remer
Attorney or party

Fla. Bar # 165580
(Bar # if attorney)

Jason S Remer
(type or print name)

06/20/2023
Date

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
DADE COUNTY, FLORIDA

NESLY SAINTIL,

Plaintiff,

vs.

Case No.

AMAZON.COM SERVICES, LLC

Defendant.

_____ /

COMPLAINT

Plaintiff, NESLY SAINTIL (“Plaintiff”), by and through the undersigned counsel, hereby
sues Defendant, AMAZON.COM SERVICES, LLC, (“Defendant”), and in support avers as
follows:

GENERAL ALLEGATIONS

1. This is an action by the Plaintiff for damages exceeding \$50,000 excluding attorneys’ fees or costs for unlawful race discrimination and retaliation in violation of the 42 USC Section 1981 (1981).
2. Plaintiff was at all times relevant to this action, and continues to be, a resident of Broward County Florida, within the jurisdiction of this Honorable Court.
3. Defendant, is a Foreign Company but operating multiple locations in Dade County, Florida, where Plaintiff worked for Defendant, and at all times material hereto was and is engaged in interstate commerce.
4. Venue is proper in Dade County because all of the actions that form the basis of this Complaint occurred within Dade County.

5. Defendant is an “employer” pursuant to 1981 and thus, it is subject to the employment discrimination provisions of the applicable statute.
6. Defendant is a “person” within the purview of 1981.
7. Declaratory, injunctive, legal and equitable relief sought pursuant to the laws set forth above together with attorneys’ fees, costs and damages.
8. All conditions precedent for the filing of this action before this Court have been previously met, including the exhaustion of all pertinent administrative procedures and remedies.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

9. Plaintiff performed work for Defendant as a non-exempt employee from April 2020 through March 12, 2022.
10. Plaintiff is an African American black male.
11. Plaintiff, while employed by the Defendant, was a victim of blatant, willful, and unlawful discrimination based upon his race.
12. Plaintiff’s issues with discrimination perpetuated against him began when his manager Yesmeys LNU, who is a White Hispanic male, was treating Plaintiff different from white Hispanic similar employees based on Plaintiff’s race.
13. Defendant through Yesmeys would demand Plaintiff work in an area for which Plaintiff was not trained based on race but would train white employees.
14. Plaintiff complained to the manager about treating Plaintiff differently based on race and treating white workers better.
15. The Plaintiff was retaliated against and terminated for complaining about race discrimination and/or based on race discrimination.

16. Plaintiff was a target of racial discrimination as he was terminated for engaging in an activity that non-black supervisors engaged in without being terminated or penalized.

COUNT I
DISCRIMINATION BASED ON RACE IN VIOLATION OF 42 U.S.C. §1981

17. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-16 of this complaint as if set out in full herein.

18. At all times material hereto Defendant was an “employer” within the meaning of Section 42 U.S.C. §1981.

19. At all times material hereto, Plaintiff was an “employee” within the meaning of 42 U.S.C. §1981

20. The Plaintiff had been employed by Defendant.

21. At all relevant times, Plaintiff was and continues to be qualified for the position formerly held with the Defendant.

22. At all times material hereto, the Plaintiff’s job performance was satisfactory or above satisfactory.

23. Plaintiff was terminated from his employment by Defendant.

24. Defendant has engaged in a pattern of continuous discrimination against Plaintiff.

25. During the course of his employment with the Defendant, the Plaintiff was continually and repeatedly subjected to severe and pervasive racial discrimination by Defendant’s agents.

26. Defendant crafted and implemented a plan to eventually terminate Plaintiff based upon her race. Defendant also confected a subterfuge in an attempt to hide their blatant and unlawful discriminatory motivation.

27. Plaintiff was singled out for treatment in a discriminatory manner by Defendant because of his race.
28. Defendant's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. Defendant and its supervisory personnel were aware that discrimination on the basis of race was unlawful but acted in reckless disregard of the law.
29. Plaintiff complained to the supervisor about the racial discriminatory attacks.
30. Plaintiff was terminated from his position with Defendant shortly after the complaints in retaliation for his complaints of discrimination.
31. Defendant, through the actions of its agents, outrageously disregarded the requirements to investigate and remedy claims of discrimination.
32. The actions and language of the Defendant were so severe and pervasive as to alter the terms, conditions and/or privileges of his employment with the Defendant, and thereby creating a hostile work environment.
33. The actions of the Defendant were based upon the Plaintiff being a black individual. The Defendant subjected the Plaintiff to race based animosity.
34. The Plaintiff would have continued in his form of employment with entitlement to his wages and benefits but for the discriminatory conduct of the Defendant.
35. When the Defendant terminated the Plaintiff's employment, it retained all employees involved who exhibited discriminatory conduct upon the Plaintiff. The Defendant did so despite the knowledge of those employees engaging in discriminatory actions and/or comments and thereby fostering a hostile work environment for Black individuals.

36. The discrimination was based upon the Plaintiff's race, in that but for the fact that the Plaintiff is Black, he would not have been the object of discrimination.
37. As a result of the actions of the Defendant, as alleged herein, the Plaintiff has been deprived of his employment and has been exposed to ridicule and embarrassments and has suffered emotional distress and damage.
38. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff were in a position that possessed the authority to affect the terms, conditions, and privileges of the Plaintiff's employment with the Defendant.
39. The Plaintiff, by being subjected to this hostile and offensive work environment created by the Defendant, was unreasonably affected in a term, condition, or privilege of employment under applicable law in that his psychological well-being was seriously affected when the work place became hostile.
40. The conduct of the Defendant, by and through the conduct of its agents, employees, and/or representatives, and the Defendant's failure to make prompt remedial action to prevent continued discrimination against the Plaintiff, deprived the Plaintiff of his statutory right under federal law.
41. The actions of the Defendant and/or agents were willful, wanton, and intentional and with malice or reckless indifference to the Plaintiff's statutorily protected rights, thus entitling Plaintiff to damages in the form of compensatory and punitive damages pursuant to federal law, to punish the Defendant for its actions and to deter it, and others, from such action in the future.

42. The Plaintiff has suffered and will continue to suffer both irreparable injury and compensable damages as a result of the Defendant's discriminatory practices unless and until this Court grants relief.

43. The Plaintiff has retained undersigned counsel to prosecute his claim and is entitled to attorney's fees pursuant to 42 U.S.C. §1988, the Civil Rights Attorneys Fee Award Act.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff and against the Defendant on the basis of Defendant's willful violations of 42 U.S.C. §1981; and
- B. Award Plaintiff compensatory damages and punitive damages including front pay, back pay, and lost benefits; and
- C. Award Plaintiff as to this count prejudgment interest; and
- D. Award Plaintiff damages for the amount of the costs of litigation and filing including attorney's fees; and
- E. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to Federal Law including punitive damages.
- F. Plaintiff demands a trial by jury.

COUNT II RETALIATION IN VIOLATION OF 42 U.S.C. §1981

44. Plaintiff re-adopts each and every factual allegation as stated in paragraphs 1-16 of this complaint as if set out in full herein.

45. Plaintiff and Defendant had a contractual relationship.

46. Defendant precluded Plaintiff from performing the stated contractual relationship when Defendant terminated Plaintiff.

47. Defendant terminated Plaintiff's contractual relationship in retaliation for Plaintiff's opposition to unlawful employment practices based on race as more particularly described above.
48. Plaintiff was unable to enjoy all the benefits, privileges, terms and conditions of the contractual relationship.
49. Defendant has acted with malice and/or reckless disregard for Plaintiff's protected rights.
50. Defendant retaliated against Plaintiff for his complaints of race discrimination and but for his complaint Plaintiff was terminated by Defendant.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court:

- A. Enter judgment for Plaintiff and against the Defendant on the basis of Defendant's willful violations of 42 U.S.C. §1981; and
- B. Award Plaintiff compensatory damages including front pay, back pay, and lost benefits; and
- C. Award Plaintiff as to this count prejudgment interest; and
- D. Award Plaintiff damages for the amount of the costs of litigation and filing including attorney's fees; and
- E. Grant such other and further equitable relief as this court deems equitable and just and/or available pursuant to Federal Law including punitive damages.
- F. Plaintiff demands a trial by jury.

JURY DEMAND

Plaintiff demands trial by jury of all issues triable as of right by jury.

Dated: June 15, 2023

Respectfully submitted,

/s/ Jason S. Remer

Jason S. Remer, Esq.

Florida Bar No. 165580

jrem@rgpatto@rgpatto.com

**REMER, GEORGES-PIERRE &
HOOPERWOERD, PLLC**

2745 Ponce De Leon Blvd.

Coral Gables, FL 33134

Telephone: 305-416-5000

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
DADE COUNTY, FLORIDA

NESLY SAINTIL,

Plaintiff,

vs.

Case No. 2023-018436-CA-01

AMAZON.COM SERVICES, LLC

Defendant.

SUMMONS IN A CIVIL CASE

TO: AMAZON.COM SERVICES LLC through its Registered Agent:

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE FL 32301

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
**REMER, GEORGES-PIERRE &
HOOGERWOERD, PLLC**
2745 Ponce De Leon Blvd.
Coral Gables, FL 33134

an answer to the complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
DADE COUNTY, FLORIDA

NESLY SAINTIL,

Plaintiff,

vs.

Case No. 2023-018436-CA-01

AMAZON.COM SERVICES, LLC

Defendant.

SUMMONS IN A CIVIL CASE

TO: AMAZON.COM SERVICES LLC through its Registered Agent:

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE FL 32301

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

JASON S. REMER, ESQ.
**REMER, GEORGES-PIERRE &
HOOGERWOERD, PLLC**
2745 Ponce De Leon Blvd.
Coral Gables, FL 33134

an answer to the complaint which is herewith served upon you, within **20 days** after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Juan Fernandez-Barquin,
Clerk of the Court and Comptroller

CLERK


307967

(BY) DEPUTY CLERK



DATE 7/3/2023